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7 Attorneys for Defendant
8 APPLE INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 REUBEN BERENBLAT, ANDREW
14 PERSONETTE, EARL C. SIMPSON, LAURA
MILLER, On behalf of themselves and
15 all others similarly situated,

16 Plaintiff,

17 v.

18 APPLE INC.,

19 Defendant.

20 THOMAS WAGNER, SCOTT MEYERS, On
behalf of themselves and all others similarly
21 situated,

22 Plaintiff,

23 v.

24 APPLE INC.,

Defendant.

Case No. C-08-04969 JF (PVT)
Case No. C-09-01649 JF (PVT)

**STIPULATION EXTENDING
DEFENDANT'S TIME TO
RESPOND TO THIRD AMENDED
COMPLAINT**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective
2 counsel, hereby stipulate as follows:

3 WHEREAS, Apple moved to dismiss the Second Amended Complaint in *Berenblat, et al.*
4 v. *Apple Inc.*, Case No. C-08-04969, and *Wagner, et al. v. Apple Inc.*, Case No. C-09-01649
5 (collectively, the “Actions”), on November 5, 2009;

6 WHEREAS, Apple’s motions were granted, with partial leave to amend, on April 9, 2010;

7 WHEREAS, the parties agreed to extend Plaintiffs’ time period to amend until May 28,
8 2010;

9 WHEREAS, the Plaintiffs in the Actions filed an Amended Complaint on May 28, 2010;

10 WHEREAS, under Federal Rules of Civil Procedure 6(d) and 15(a)(3), the deadline for
11 Apple to respond to the Third Amended Complaint is June 14, 2010;

12 WHEREAS, the parties have agreed to extend the deadline for Apple to respond until June
13 28, 2010;

14 WHEREAS, the continuance will not have an effect on the schedule for the case;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO
16 THE APPROVAL OF THE COURT:

17 1. Apple shall respond to the Third Amended Complaint in the Actions by June 28,
18 2010.

19 Dated: June 10, 2010

MORRISON & FOERSTER LLP

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22 By: /s/ Penelope A. Preovolos
23 Penelope A. Preovolos

24 Attorneys for Defendant
25 APPLE INC.
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1 Dated: June 10, 2010

MEISELMAN, DENLEA, PACKMAN,
CARTON & EBERZ P.C.

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By: /s/ Michael A. Berg
Michael A. Berg

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Attorneys for Plaintiffs
REUBEN BERENBLAT,
ANDREW PERSONETTE, EARL
C. SIMPSON, LAURA MILLER

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DATED: June 10, 2010

GIRARD GIBBS, LLP

By: /s/ Eric H. Gibbs
Eric H. Gibbs

Attorneys for Plaintiffs
THOMAS WAGNER, SCOTT
MEYERS

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Certificate of Service. In compliance with General Order 45, X.B., I hereby attest that Elsa Tom has read and approved this Certificate of Service and consents to its filing in this action.

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2 **PROPOSED ORDER**
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5 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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8 Date: June 15, 2010
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12 Hon. Jeremy Fogel
13 United States District Judge
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CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION EXTENDING DEFENDANT'S TIME TO
RESPOND TO THIRD AMENDED COMPLAINT**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Douglass J. McNamara
Cohen Mistein Hausfeld & Toll PLLC
1100 New York Avenue, Suite 500
Washington D.C. 20005-3964

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 10th day of June, 2010.

/s/ Elsa Tom
(typed)

/s/ Elsa Tom
(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Certificate of Service. In compliance with General Order 45, X.B., I hereby attest that Elsa Tom has read and approved this Certificate of Service and consents to its filing in this action.

Dated: June 10, 2010.

MORRISON & FOERSTER LLP

s/ Penelope A. Preovolos
Penelope A. Preovolos